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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/593,093	09/15/2006	Shinobu Munekata	P71445US0	7832
136	7590	11/21/2008	EXAMINER	
JACOBSON HOLMAN PLLC			PICKARD, ALISON K	
400 SEVENTH STREET N.W.			ART UNIT	PAPER NUMBER
SUITE 600				3676
WASHINGTON, DC 20004			MAIL DATE	DELIVERY MODE
			11/21/2008	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/593,093	MUNEKATA ET AL.
	<b>Examiner</b>	Art Unit
	Alison K. Pickard	3676

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If no period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### **Status**

1) Responsive to communication(s) filed on 02 September 2008.

2a) This action is FINAL.      2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### **Disposition of Claims**

4) Claim(s) 1-3 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-3 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### **Application Papers**

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### **Priority under 35 U.S.C. § 119**

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### **Attachment(s)**

1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO/SB/08)  
 Paper No(s)/Mail Date \_\_\_\_\_

4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date \_\_\_\_\_

5) Notice of Informal Patent Application  
 6) Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claim 1 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. There does not appear to be support for the amendment now requiring the auxiliary lip to extend parallel to the axis. The specification does not appear to disclose an angle and the figures are not disclosed as being to scale. The claim has been examined as best understood.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claim 2 is rejected under 35 U.S.C. 102(b) as being anticipated by Paykin '082.

Paykin '082 discloses a sealing device comprising a washer 35/36, main lip (near 23) fitted to a concave portion in the washer, a backup ring 15, dust lip 44, and outer peripheral lip (near 18/16). The concave portion is formed by the whole washer and includes a rising surface (e.g. near line 35) and a perpendicular surface (e.g. at line 36).

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Applicants'

Admitted Prior Art Figure 5 in view of JP '154 in view of Paykin '082.

Applicants' Figure 5 discloses a known sealing device comprising a washer 101, main lip 102, dust lip 103, and outer peripheral lip 104. A rod guide 111 contacts the washer and is fixed to the outer peripheral member. It has an inner surface close to the outer surface of the shaft with a proper fastening margin. Figure 5 does not disclose an auxiliary lip. JP '154 teaches a sealing device comprising a washer, main lip, dust lip. JP '154 teaches an auxiliary lip 32a which seals a rod guide (not shown). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device in Figure 5 to include the lip 32a to provide further sealing as taught by JP '154. The lip would extend parallel when abutting the surface of element 11 in Figure 5. Figure 5 does not disclose a backup ring. Paykin teaches the use of a back-up ring 15 between a portion of the main lip and washer to prevent extrusion of the main lip. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device in Figure 5 with a back-up ring to prevent extrusion of the main lip.

7. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over JP '154 in view of Mastro (3,394,939).

JP '154 discloses a sealing device comprising a washer 22 with a dust lip 20 and an auxiliary washer 12 with a main lip 10 and outer lip 14. The auxiliary washer is L-shaped having a disc portion 12a contacting a rod guide (not shown) and a cylinder portion 12b pressure fit between the washer 22 and outer member 2. JP '154 does not appear to disclose a backup ring between the main lip and washer. Mastro teaches a sealing device with a washer and lip. a Backup ring 30 is used to prevent deformation and extrusion of the lip. Figure 5 shows the ring 30a can be separated from the washer by the lip. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device of JP '154 with a back-up ring as taught by figure 5 of Mastro to prevent extrusion of the sealing lip.

***Response to Arguments***

8. Applicant's arguments filed 9-2-08 have been fully considered but they are not persuasive.

APA Figure 5 in view of JP' 154 would yield a parallel extending lip in a similar manner as Applicant's. Regarding claim 2, after further consideration, it appears Paykin '082 anticipated the claim. The entire washer 35/36 forms the concave portion required by the claim. Regarding claim 3, Applicant has overcome the Watanabe reference. However, JP '154 still discloses a majority of the claim limitations. And, Mastro teaches a back-up ring not in contact with a washer.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alison K. Pickard whose telephone number is 571-272-7062. The examiner can normally be reached on M-F (9-5).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jennifer Gay can be reached on 571-272-7029. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Alison K. Pickard/  
Primary Examiner, Art Unit 3676

AP